

REMARKS

The office action of June 22, 2007, has been carefully considered.

It is noted that the disclosure is objected to for containing various informalities.

Claims 1-4, 6, 7, 9 and 12 are rejected under 35 U.S.C. 112, second paragraph.

Claims are rejected under 35 U.S.C. 102(b) over the patent to Bon.

Finally, it is noted that claim 7 would be allowable if rewritten in independent form and to overcome the rejection under 35 U.S.C. 112, second paragraph.

In connection with the Examiner's objection to the application, applicant has amended the specification to include section headings.

In view of these considerations it is respectfully submitted

MY-25

that the objection to the application is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has canceled claims 2 and 7, and amended claims 1 and 3.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-4, 6, 7, 9 and 12 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references. Applicant has amended independent claim 1 to include the subject matter of dependent claims 2 and 7.

Turning now to the reference and particularly to the patent

to Bon, it can be seen that this patent discloses a self-sealing actuating device for mounting on a discharge valve of a pressurized container. Bon does not disclose a construction in which the opening and/or closing of the delivery hole is assisted by the product standing under excess pressure, as in the presently claimed invention. Instead, in Bon the opening takes place exclusively by manual pressing on the outlet channel and closing exclusively by the elastic characteristics of the barrier intermediate zone.

Additionally, Bon does not disclose a stationary web arranged on the lower part of the dispenser head in such a way that when the upper part is tilted, the elastic rear end of the restoring element is moved towards the web during its circular movement, which causes it to be deformed and displaced, along with the valve body, in the direction of the delivery hole, so that the valve head opens the delivery hole of the delivery channel towards the outside, as in the presently claimed invention. Bon does not execute a tilting movement, instead in Bon the discharge channel is pressed axially downward, whereby the discharge channel is pushed.

MY-25

In view of these considerations it is respectfully submitted that the rejection of claims 1-4, 6, 9 and 12 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

By



Klaus P. Stoffel
Reg. No. 31,668

For: Friedrich Kueffner
Reg. No. 29,482
317 Madison Avenue, Suite 910
New York, New York 10017
(212) 986-3114

Dated: September 24, 2007

MY-25

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 24, 2007.

By: 
Klaus P. Stoffel

Date: September 24, 2007